



APPROVED

KITTERY PORT AUTHORITY

June 6, 2013 Meeting Minutes
Council Chambers, Town Hall

Members Present: Bob Melanson, Chairman, Barry Bush, Ray Grenier, Kelly Philbrook, Steve Lawrence
Members Absent: Dan Arbo, Tom Smith
Staff: Harbormaster Mike Blake

The meeting of June 6, 2013 was called to order at 6:01 p.m.

1. Pledge of Allegiance

2. Minutes

Mr. Bush moved to accept the May 2, 2013 KPA minutes as corrected

Mr. Grenier seconded

Motion carried unanimously by all members present

Mr. Melanson noted the next KPA meeting is scheduled for July 4, 2013 and asked the Board for direction in rescheduling, if desired. Board members agreed to relocated meeting and Mr. Melanson will confirm location.

2. Public Segment

- Milton Hall:

- What is the Ted Brown Memorial Mooring status?

Mr. Blake explained the mooring was left to the KPA and was previously maintained by John Carson. Harbormaster Blake stated he is unaware of how this is supposed to be maintained.

Mr. Melanson will speak with Mr. Carson regarding this.

- Has mooring #433 been moved? This will be checked by the Harbormaster.
- Usage Fees: When he registered his boat he was told he did not need a red sticker. When he registered his Whaler, he was told he had a mooring and didn't need a sticker. Mr. Melanson stated he will discuss this with the Clerk's office to be sure the communication is clear.

Harbormaster Blake explained this occurred some time ago when the system was still new, but believes the kinks have been ironed out.

Mr. Melanson stated a resident voiced his concern about a launch fee for his boat. People who pay usage fees and do not have moorings have to pay launch fees and he is not sure this is providing services for their usage fees vs. those who do not have to pay launch fees if they have moorings. Ms. Philbrook stated mooring holders usually put their boats in and out one time, but if you are not a mooring holder you could be launching over and over again. The loop hole is if you register your boat with the state on-line, you don't have to pay the usage fee, until 'caught' by the Harbormaster. She was asked if there is a veteran or retiree discount for ramp fees, and the KPA should consider this for the next season. [unidentified audience member] voiced his support of this idea. Mr. Melanson asked what the Authority thought would be a reasonable discount? Ms. Philbrook suggested 24% to 50% of the usual fee may be appropriate. What about active-duty military? [unidentified audience member] suggested checking with other communities before deciding. Ms. Philbrook stated mooring fees are governed by the ACOE, but local fees could be amended. Mr. Melanson stated the process would involve a decision and a public hearing prior to making any changes to the Rules and Regulations. Mr. Lawrence suggested the KPA take the time to research. Ms. Philbrook suggested \$20 per season. Mr. Melanson suggested a broadcast email through the Harbormasters association for recommendations and then discuss at the July meeting.

4. Budget Report

- Year to date Operating Income & Expense – Mike Blake
Finance report is unavailable as the Finance Director was on vacation.
\$1,600 in launch fees at Traip collected with the help of Alan Breton.

5. Harbormaster Report – Mike Blake

- Storm Damage & Insurance – pending.
- Frisbee Launch
- Float Outs were completed in about four hours with the help of Gary Winburg, Tom Philbrook, Dick Draper, Mike Furbish, and Frank Frisbee. The Frisbee Holdings LLC floats were placed by Neil Odam.
- Bridge lift span delayed. Notice has been sent that marine traffic will be closed from 1 a.m. June 17 to 1 a.m. June 22. The back channel will be open.

Harbormaster Blake was asked to ride with school children on Steve Lawrence's lobster boat. Ms. Philbrook and Mr. Lawrence should be commended for their work with these children. Over 100 children were taken out to experience lobster fishing.

6. Marinas Piers and Floats – Mr. Melanson stated these met the criteria for repair and replace in-kind.

- 4 Knights Ave 30' x 72' pier replace in kind
- 43 Tower Rd 4' x 38' pier replace in kind

7. Projects:

- BIG Planning – Harbormaster Blake is working with Dr. Allister for a pole easement to place a utility pole in place before underground utilities are trenched; a hydrant is planned to be placed on the wharf as part of the project; the local review and approval process is complete and are awaiting state and federal approvals; bid process will include utilities, pump-out system, and 6 transient floats.
- Comprehensive Harbor Plan , Public Forum – Peter Walsh, DPW (not in attendance)
Wright-Pierce conducted the forum.
- Rice Ave – Public interest to create launch for kayaks
- Government Street Survey – Steve Lawrence
Met with Wright-Pierce and except for some railings, the site and pilings were in good condition. Mr. Melanson noted interest was expressed for a public boating facility to get to Anneke Jans – is this feasible? Mr. Lawrence stated there is private property on both sides and was unsure if it is feasible; a very tight space. Harbormaster Blake noted deed research would be needed. Mr. Melanson suggested this go through the Comp Planning cycle.
- Dredge Project. Mr. Melanson asked Wright-Pierce to look into the grant cycle process for the design phase of this project to take advantage of significant ledge spoils.

8. New Business:

- Kittery Mooring Fields. A subcommittee was formed to look at the possibility of adding additional moorings in the Isles of Shoals and Gossport. The Rules and Regulations stipulate that to have a mooring in the Isles of Shoals, you must be property owner which violates ACOE regulations and state law. This is supported in a letter from Jay Clement of the ACOE. Mr. Hall asked if the Isles of Shoals is federal anchorage. Mr. Melanson read: *In email correspondence you asked whether mooring spaces at Isle of Shoals may be assigned to non-residents/non-leasees. I admit to not being particularly familiar with the reportedly complex make up of ownership and overlapping jurisdictions out at Isle of Shoals.*

But if Kittery claims jurisdiction over some of Isle of Shoals waters and if the ordinance specifically states that moorings and other work in those waters is subject to the same rules that apply on the mainland, then I would think riparian property owners as defined by your ordinance (not leasees) would be entitled to a mooring in front of their property to the degree practicable and that any others wishing a mooring would either be accommodated or go on a waiting list. And since state law also presumably applies, a minimum of 10% of those moorings must be for non-residents. The more you can steer away from special exceptions for certain waters and instead, apply your regulations consistently in all your jurisdictional waters, the less arbitrary you will appear. I am happy to discuss this issue further. It goes without saying that any moorings that are rented out there require a Corps permit.

Mr. Melanson noted Mr. Clement did not note this is an FNP or anchorage, however state law states it not be limited to residents only. Mr. Melanson asked the mooring field subcommittee to make recommendations on this issue. Mr. Hall noted the breakwaters concern the federal government, and placing of moorings prevents anchorage. Federal jurisdiction is unclear. Mr. Melanson will re-visit this with Jay Clement.

Mr. Melanson stated the Council Chairman asked why residents could not put dinghies in Pepperrell Cove without a mooring, as the Rules and Regulations do not address this. Ms. Philbrook stated it is in the R&R, *Only mooring holders may tie up dinghies on a seasonal basis* [X. Fees D.3.]. The wording could be better.

[unidentified] With so many boats and dinghies in a small area, things can get tangled up creating a navigational hazard. For inflatable dinghies, perhaps room could be temporarily expanded off the Frisbee Pier or inflatable dinghies could be stacked on a rack; utilize community resources to address this problem. [unidentified] many inflatable dinghies do not have motors and could be stacked. Harbormaster Blake suggested a launch service; smaller inflatables could be stacked, but space needs to be found, and welcomes suggestions. [unidentified] stated there was a launch service at Pepperrell Cove in the 70s and 80s and it worked very well. Tom Allen of the Kittery Point Yacht Yard has suggested out-sourcing launch services to him. Harbormaster Blake stated boating independence is critical when launch service is not available. Mr. Hall stated it costs about \$90,000 to provide a launch service; rental dinghies are a problem as well. Ms. Philbrook suggested 3 or 4 people could commit to utilize one dinghy jointly and waive the dinghy fee. There's always been a dinghy issue, and some are oversized. If Tom Allen or others offered the service, it would not need to include the KPA at this time. Mr. Lawrence suggested further discussion with Tom Allen. [unidentified] the prior service did not include the KPA. [unidentified] suggested there are a lot of ideas, and perhaps there isn't only one solution, but many, and is concerned that a launch service does not become prohibitively expensive. Mr. Melanson suggested a trial basis with Tom Allen could begin this year.

9. Correspondence & Comments – Mr. Melanson noted the video with the Wood Island Life Saving Station and Council, and asked the Authority to discuss their interest.

David Kaselauskas: For two years the Wood Island Life Saving Station Association has been working with the Council to restore and rebuild the station built in 1908 to possibly use as an educational tool. The Association is trying to keep it in a non-profit group to maintain and restore rather than having it burned, and leave it to the public. The asbestos abatement would be \$250,000 and paid for through a Brownsfield grant, with a cost to the Town would be \$40,000 of that total. From then on, the Town would not have to provide insurance or maintenance. Since the Town took over the Station 41 years ago there was a condition that it be maintained, however, nothing has been done. The projected costs would be \$1-\$1.25 million, including a seawall, with \$100,000 already pledged. He noted the Station received one of ten Gold Congressional Medal of Honor awards for the saving of the Oliver Dion by Silas Harding and his crew.

Mr. Melanson noted Counsel stated the deed would have to be amended to convey the property to a non-profit. What is the Authority's interest? Mr. Lawrence and Mr. Grenier stated it should be saved. Mr. Bush suggested it would be beneficial to the Town to have a non-profit take it over.

Ms. Philbrook stated there is a petition available.

Ms. Philbrook moved to forward to the Town Council the Port Authority's recommendation to convey the Wood Island Life Saving Station deed with appropriate amendments to the Wood Island Life Saving Station Association.

Mr. Bush seconded

Motion carried unanimously by all members present.

Mr. Melanson noted the Station will be bidding with the Town for some of the dredging materials for the seawall.

10. Board Members – New & Old Business

Mr. Lawrence: Hoist at Government Street. Any chance of getting a larger diameter rope and new pulley as the existing one is light?

Kelly Philbrook:

- Big Project: Was the BIG project approved before or after the public hearing. This will be confirmed.
- Temporary Moorings: The KPA agreed there would be no temporary moorings, but it appears boats are being allowed to do so. Harbormaster Blake read from the R&R: *a person who is assigned a private mooring site may not rent, loan, lease, lend, give, bestow, permit, accommodate, allow use of, or give permission to any other person to use his or her assigned private mooring site (whether or not money or other consideration is exchanged) except as allowed by the Harbormaster on a case by case basis.* He stated there is a guest program, and the difference is that a guest mooring holder pays the mooring fee and if someone from the waiting list is assigned that mooring they can request the guest to leave the mooring site at any time.

Ms. Philbrook stated if a guest mooring is used while the owner was away on a cruise, it is a transient mooring during that period. The way it is now being done it sounds more like a temporary mooring.

Mr. Bush stated in the past if the Harbormaster was asked to 'borrow' the mooring while not being used, this was always allowed, permitting more use of the mooring field. Ms. Philbrook referenced the ACOE letter, noting it sounds like a rental mooring. Mr. Melanson explained the temporary mooring program would allow an 'abandoned' mooring (3 years) to be paid by another individual on a one-time basis. Now, the mooring holder pays the mooring fee and, when not in use, the mooring is used by another who also pays the mooring fee, so there are two mooring fees for one mooring and the benefit of having the mooring used. Ms. Philbrook stated the people on the waiting case should be asked first, in order, if they would like to participate in this kind of arrangement. Mr. Melanson asked that Ms. Philbrook bring the specifics of her complaint to be reviewed by the Harbormaster.

- Dave Testaverdi. Harbormaster Blake stated it was his understanding the DMR would have a boat, and will provide equipment needed for 24-hour surveillance, with final approval anticipated. Ms. Philbrook asked about blocking the area. Mr. Blake stated they are working on that issue. [unidentified] asked if Navy will pay for a float as they are using up critical space. Ms. Philbrook stated allowing dinghies there will block the hoist. The marine patrol officer will have reserved parking while he is on patrol. Members asked for an update on the surveillance.

Ray Grenier:

- Will the Town receive dredge spoils for the breakwater wall off Fishing Island, as he believes without this the pier is not practical. Mr. Melanson stated he believes there is barely a 50/50 chance of receiving the spoils.

[unidentified] stated he doesn't understand why anyone would object to having the marine patrol boat at the pier.

11. Adjourn

Ms. Philbrook moved to adjourn

Mr. Grenier seconded

Motion carried unanimously by all members present

The regular meeting adjourned to Executive Session at 7:41 p.m.

12. Executive Session- Interview Assistant Harbor Master candidate.

The KPA meeting of June 6, 2013 adjourned at 8:10 p.m.

Submitted by Jan Fisk, June 12, 2013